

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

In Re:

3333 Alpharetta Lifehope 10 Acre Land,
LLC,

Debtor.

CASE NO. 22-57594-LRC

CHAPTER 11

**EX PARTE MOTION TO SHORTEN NOTICE PERIOD
AND FOR EXPEDITED HEARING**

COMES NOW 3333 Alpharetta Lifehope 10 Acre Land, LLC (the “**Debtor**”) by and through undersigned counsel, and files this *Ex Parte Motion to Shorten Notice Period and for Expedited Hearing* (“**Motion**”), pursuant to Rule 9006(c) of the Federal Rules of Bankruptcy Procedure, requesting that this Court shorten the notice period for hearing on confirmation of Debtor’s Chapter 11 Plan of Reorganization currently scheduled for March 17, 2023 and March 20, 2023 before the Honorable Lisa Ritchey Craig in Courtroom 1204, United States Courthouse, 75 Ted Turner Drive, Atlanta, Georgia 30303 (the “**Confirmation Hearing**”). In support of this Motion, Trustee respectfully shows the Court as follows:

1. On September 23, 2022 (the "Petition Date"), the Debtor filed its voluntary petition (the "Petition") under Chapter 11 of the Bankruptcy Code, thereby initiating this Bankruptcy Case [Dkt. 1].
2. The Debtor is the owner of certain interests in real property and improvements comprising an office building located at 3333 Old Milton Parkway, Alpharetta, Fulton County, Georgia (the "Property").

3. Pursuant to a Ground Lease Agreement dated as of August 31, 2017 (as amended, the "**Ground Lease**") between the Ground Lessor as landlord and the Debtor as tenant, the Debtor is the ground lessee of the real property underlying the Debtor's office building.

4. On or about August 30, 2019, the Debtor, as borrower, and Capital One, as administrative agent, collateral agent, and a lender, entered into a Loan Agreement dated as of August 30, 2019 (as amended, the "**Loan Agreement**"). Pursuant to the Loan Agreement and related loan and security documents, Capital One asserts a claim in excess of \$31 million allegedly secured by liens and security interests in substantially all assets of the Debtor, including, without limitation, the Debtor's interests in the Property (collectively, the "Capital One Collateral").

5. On December 22, 2022, the Debtor filed its proposed Chapter 11 Plan (the "**Plan**") and Disclosure Statement (the "**Disclosure Statement**"). In the Plan, the Debtor proposes to sell its interests in the Property (including, without limitation, its interests under the Ground Lease) to a special purpose entity called 3333 Physicians Center MOB 1 SPE, LLC (the "**Buyer**") for a cash purchase price of \$39.5 million in accordance with the terms and conditions of the Purchase and Sale Agreement dated December 16, 2022 (the "**PSA**") attached to the Disclosure Statement as Exhibit B.

6. On February 14, 2023, Capital One, National Association filed its objection with respect to approval of the Disclosure Statement [Dkt. 102] (the "**Capital One Objection**").

7. On February 15, 2023, 3333 Old Milton Alpharetta LLC (the "**Ground Lessor**") filed a Joinder in the Capital One Objection [Dkt. 103].

8. On February 16, 2023, this matter came before the Court for a hearing (the "**Hearing**") regarding approval of the Disclosure Statement.

9. On February 17, 2023, the Court entered its order approving debtor's disclosure statement, and establishing deadlines and procedures relating to plan confirmation hearing [Dkt. 105] (the "**Order and Notice**").

10. As directed by the Court in the Order and Notice [Dkt. 105; Pg. 7] and evidenced by the Certificate of Mailing by BNC of Order Approving Disclosure Statement [Dkt.107], on or about February 17, 2023, the Clerk caused the Order and Notice to be served on all parties on the Debtor's creditor matrix.

11. On February 23, 2023, Debtor filed its Amended Chapter 11 Plan of Reorganization [Dkt. 114] (the "**Amended Plan**") and Amended Disclosure Statement for Amended Chapter 11 Plan of Reorganization [Dkt. 115] (the "**Amended Disclosure Statement**").

12. The Order and Notice required Debtor's counsel to serve the Amended Plan and Amended Disclosure Statement by February 24, 2023 by U.S. mail. Due to a miscommunication in Debtor's counsel's office, the documents were inadvertently not served by mail on February 24.

13. As evidenced by the Certificate of Service attached hereto as Exhibit A, on March 1, 2023, Debtor served all parties on its creditor matrix with copies of the Plan, Disclosure Statement, Order and Notice, Amended Plan and Amended Disclosure Statement. As set forth in Paragraph 9, all creditors and parties in interest received notice of the deadlines and procedures relating to confirmation of the Plan on or about February 17, 2023. Additionally, all parties registered with the Court's CM/ECF system received notice of the Plan, Disclosure Statement, Order and Notice, Amended Plan and Amended Disclosure Statement on the date those pleadings were filed or entered on the docket in this case.

14. To promote judicial economy and efficiency in this adversary proceeding, the Debtor requests that the Court shorten the time for hearing on confirmation of Debtor's Plan to the currently scheduled hearing dates of March 17, 2023 and March 20, 2023.

WHEREFORE, the Debtor requests that the Court enter an order shortening the time for hearing on confirmation of Debtor's Plan currently scheduled for March 17, 2023 and March 20, 2023 before the Honorable Lisa Ritchey Craig in Courtroom 1204, United States Courthouse, 75 Ted Turner Drive, Atlanta, Georgia 30303, and grant such other and further relief as is just and proper.

Dated: March 1, 2023

ROUNTREE LEITMAN KLEIN & GEER, LLC

/s/ Elizabeth Childers

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Will Geer, Ga. Bar No. 940493
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wgeer@rlklglaw.com
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Attorneys for the Debtor

EXHIBIT “A” FOLLOWS

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:

3333 ALPHARETTA LIFEHOPE 10 ACRE LAND,
LLC

CASE NO: 22-57594-LRC

**DECLARATION OF MAILING
CERTIFICATE OF SERVICE**

Chapter: 11
ECF Docket Reference No. 75

On 3/1/2023, I did cause a copy of the following documents, described below,

Plan of Reorganization Proposed by 3333 Alpharetta Lifehope 10 Acre Land, LLC ECF Docket Reference No. 75

Disclosure Statement for Plan of Reorganization Proposed by 3333 Alpharetta Lifehope 10 Acre Land, LLC 76

Order (I) Approving Debtor's Disclosure Statement; (II) Establishing Deadlines and Procedures Relating to Plan Confirmation Hearing; and (III) Addressing Related Matters 105

Amended Plan of Reorganization Proposed by 3333 Alpharetta Lifehope 10 Acre Land, LLC 114

Amended Disclosure Statement for Amended Plan of Reorganization Proposed by 3333 Alpharetta Lifehope 10 Acre Land, LLC 115

to be served for delivery by the United States Postal Service, via First Class United States Mail, postage prepaid, with sufficient postage thereon to the parties listed on the mailing list exhibit, a copy of which is attached hereto and incorporated as if fully set forth herein.

I caused these documents to be served by utilizing the services of BK Attorney Services, LLC d/b/a certificateofservice.com, an Approved Bankruptcy Notice Provider authorized by the United States Courts Administrative Office, pursuant to Fed.R.Bankr.P. 9001(9) and 2002(g)(4). A copy of the declaration of service is attached hereto and incorporated as if fully set forth herein.

Parties who are participants in the Courts Electronic Noticing System ("NEF"), if any, were denoted as having been served electronically with the documents described herein per the ECF/PACER system.

DATED: 3/1/2023

/s/ Elizabeth A. Childers

Elizabeth A. Childers 143546

Attorney for Debtor

Rountree Leitman Klein & Geer, LLC

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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:

3333 ALPHARETTA LIFEHOPE 10 ACRE
LAND, LLC

CASE NO: 22-57594-LRC

**CERTIFICATE OF SERVICE
DECLARATION OF MAILING**

Chapter: 11
ECF Docket Reference No. 75

On 3/1/2023, a copy of the following documents, described below,

Plan of Reorganization Proposed by 3333 Alpharetta Lifehope 10 Acre Land, LLC ECF Docket Reference No. 75

Disclosure Statement for Plan of Reorganization Proposed by 3333 Alpharetta Lifehope 10 Acre Land, LLC 76

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were deposited for delivery by the United States Postal Service, via First Class United States Mail, postage prepaid, with sufficient postage thereon to the parties listed on the mailing list exhibit, a copy of which is attached hereto and incorporated as if fully set forth herein.

The undersigned does hereby declare under penalty of perjury of the laws of the United States that I have served the above referenced document(s) on the mailing list attached hereto in the manner shown and prepared the Declaration of Certificate of Service and that it is true and correct to the best of my knowledge, information, and belief.

DATED: 3/1/2023



Jay S. Jump
BK Attorney Services, LLC
d/b/a certificateofservice.com, for
Elizabeth A. Childers
Rountree Leitman Klein & Geer, LLC
Century Plaza I, 2987 Clairmont Rd., Ste. 350
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CASE INFO

LABEL MATRIX FOR LOCAL NOTICING
 NCRS ADDRESS DOWNLOAD
 CASE 22-57594-LRC
 NORTHERN DISTRICT OF GEORGIA
 WED MAR 1 10-34-3 PST 2023

DEBTOR

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 11680 GREAT OAKS WAY
 SUITE 120
 ALPHARETTA GA 30022-2458

EXCLUDE

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 75 TED TURNER DRIVE SW
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BRIGHTSIDE IT SOLUTIONS
 2410 SATELLITE BLVD SUITE F
 BUFORD GA 30518-5208

BRUCKER HVAC LLC
 5247 LOCKWOOD LANE
 CO CARL R BRUCKER
 POWDER SPRINGS GA 30127-4915

CAPITAL ONE NA
 CO CORPORATION SERVICE COMPANY
 100 SHOCKE SLIP FL 2
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 FORTSON BENTLEY AND GRIFFIN PA
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(U) CHIEF FIRE PROTECTION COMPANY

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